

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**3 J TRUCKING, INC.,**

**Respondent.**

**Docket No. FMCSA-2007-0063<sup>1</sup>  
(Southern Service Center)**

**ORDER TERMINATING PROCEEDING AND CLOSING DOCKET**

On or about August 15, 2007, the Field Administrator for the Southern Service Center, Federal Motor Carrier Safety Administration (Claimant) served a Notice of Claim (NOC) on Respondent proposing a civil penalty of \$7,680 for two violations of 49 CFR 382.301(a), using a driver before the motor carrier has received a negative pre-employment controlled substance test result; and five violations of 49 CFR 395.8(i), failing to require drivers to forward original records of duty status within 13 days of completion. On September 20, 2007, Claimant served a Notice of Default and Final Agency Order (NDFAO) based upon Respondent's failure to file a timely reply to the NOC. The NDFAO advised Respondent that the NOC would become the Final Agency Order in this proceeding effective September 27, 2007, with the civil penalty immediately due and payable on that date.

On October 5, 2007, Respondent served a Petition for Reconsideration of the Final Agency Order. Respondent claimed it filed a timely reply to the NOC and submitted a copy of this reply, in which it contested some of the violations and requested

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<sup>1</sup> The prior case number was MS-2007-0031-US1206.

administrative adjudication. However, Respondent, a small family-owned business, also stated it had ceased operations because of death and serious illness in the family, as well as for financial reasons.

On November 19, 2008, Claimant served a Motion to Close Docket because Respondent had ceased operations. He attached a copy of Respondent's request to deactivate its U.S. DOT number (which was granted) and a printout from the Mississippi Secretary of State website indicating that Respondent intended to dissolve its business.

Claimant's motion is granted. This proceeding is terminated and the docket closed.

*It Is So Ordered.*



Rose A. McMurray  
Assistant Administrator  
Federal Motor Carrier Safety Administration

2.17.10

Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 18 day of February, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Cindy Boatner  
1508 Blackjack Road  
Vaughan, MS 39179

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